



Attorney/Docket No. 31132.143
Customer No. 000027683

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Berry et al.

Serial No.: 10/814,362

§ Group Art Unit: 3725

Filed: March 31, 2004

§ Confirmation No.: 7748

For: Shape Memory Alloy Disc Replacement Device

§ Examiner: Unknown

SECOND INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited reference is in fact material, are in fact prior art, or that no better art exists.

The undersigned first became aware of the cited patents by their inclusion in the International Search Reports issued by the ISA/EP for the PCT counterpart on October 24, 2005.

Pursuant to 37 CFR § 1.98(a)(2), copies of the U.S. patent and publication listed on the enclosed modified Form PTO-1449 are not attached. A copy of the search report and foreign patents are enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,



David M. O'Dell
Registration No. 42,044

Date: 12-21-05
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-21-05.

Bonnie Boyle
Printed Name

Bonnie Boyle
Signature

<p>In place of PTO-1449 Form</p> <p>U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</p> <p>DEC 27 2005</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>	Complete if Known			
	Application Number	10/814,362		
	Filing Date	March 31, 2004		
	Applicant(s)	Berry		
	Art Unit	3725		
	Examiner Name	Unknown		
	SHEET	1	OF	1
			Attorney Docket Number	31132.143

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	A10	Patent Cooperation Treaty - European Patent Office, "Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration," International Application No. PCT/US2005/009751, October 24, 2005, 23 pages

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.